

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK A. SCOTT,

Plaintiff,

v.

D. CASTILLO, et al.,

Defendants.

No. 1:20-cv-00598-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Doc. No. 18)

Plaintiff Mark A. Scott is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 9, 2021, the assigned magistrate judge screened plaintiff's complaint and found that plaintiff had stated a cognizable claim against defendant Castillo for use of excessive force in violation of the Eighth Amendment of the U.S. Constitution, but that plaintiff had failed to state any other cognizable claim. (Doc. No. 15 at 5–6, 10.) Plaintiff was granted leave to file a first amended complaint in an attempt to cure the cited deficiencies or to notify the court of his willingness to proceed only on the claim found to be cognizable in the screening order within thirty (30) days of service of that order. (*Id.* at 10–11.) On August 30, 2021, plaintiff notified the court that he was willing to proceed only on the claim identified by the magistrate judge in the screening order as cognizable. (Doc. No. 16.)

1 Accordingly, on September 24, 2021, the magistrate judge issued findings and
2 recommendations recommending that this case proceed only on those claims found to be
3 cognizable in the screening order. (Doc. No. 18.) The magistrate judge also recommended that
4 all other claims brought, and all other defendants named, by plaintiff in his complaint be
5 dismissed from this action. (*Id.* at 2.) The findings and recommendations were served on
6 plaintiff and contained notice that any objections thereto were to be filed within fourteen (14)
7 days after service. (*Id.* at 2–3.) No objections have been filed, and the time in which to do so has
8 now passed.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
10 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
11 findings and recommendations are supported by the record and proper analysis.

12 Accordingly,

- 13 1. The findings and recommendations issued on September 24, 2021 (Doc. No. 18)
14 are adopted in full;
- 15 2. This action shall proceed on plaintiff's claim for use of excessive force against
16 defendant Castillo;
- 17 3. All other claims and named defendants are dismissed; and
- 18 4. This action is referred back to the assigned magistrate judge for further
19 proceedings consistent with this order.

20 IT IS SO ORDERED.

21 Dated: **November 15, 2021**

22 
UNITED STATES DISTRICT JUDGE